



House of Representatives

General Assembly

File No. 785

January Session, 2009

Substitute House Bill No. 6703

House of Representatives, April 21, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VICTIM COMPENSATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 54-211 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (f) Compensation shall be awarded pursuant to sections 54-201 to
5 54-233, inclusive, for bodily injury or death resulting from a crime
6 which occurs (1) within this state, regardless of the residency of the
7 applicant; (2) outside this state but within the territorial boundaries of
8 the United States, provided the victim, at the time of injury or death,
9 was a resident of this state and the state in which such crime occurred
10 does not have a program for compensation of victims for which such
11 victim is eligible; [and] or (3) outside the territorial boundaries of the
12 United States, provided the applicant is (A) a victim of international
13 terrorism, as defined in Section 2331 of Title 18 of the United States
14 Code, and the victim was a resident of this state at the time of injury or
15 death, or (B) a victim of a crime in a country that does not have a

16 victim compensation program for which the victim is eligible, and the
17 victim was a resident of this state at the time of injury or death.

18 Sec. 2. Section 54-215 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2009*):

20 (a) The Office of Victim Services shall establish a Criminal Injuries
21 Compensation Fund for the purpose of funding the compensation and
22 restitution services provided for by sections 54-201 to 54-233, inclusive,
23 as amended by this act. The fund may contain any moneys required by
24 law to be deposited in the fund and shall be held by the Treasurer
25 separate and apart from all other moneys, funds and accounts. The
26 interest derived from the investment of the fund shall be credited to
27 the fund. [Amounts] Moneys in the fund may be expended [only
28 pursuant to appropriation by the General Assembly] for the purposes
29 set forth in this section. Any balance remaining in the fund at the end
30 of any fiscal year shall be carried forward in the fund for the fiscal year
31 next succeeding.

32 (b) The cost paid into court under section 54-143 shall be deposited
33 in the General Fund and shall be credited to and become a part of the
34 Criminal Injuries Compensation Fund. Any restitution collected by the
35 Court Support Services Division pursuant to section 46b-140, 53a-30 or
36 54-56e which is not disbursed within five years after the date such
37 restitution is collected, because the victim could not be located, shall be
38 deposited in the Criminal Injuries Compensation Fund. Any restitution
39 collected pursuant to section 46b-140 or 54-56e on or before May 8,
40 1997, that has not been disbursed as of October 1, 2003, shall be
41 deposited in the fund. If payment is awarded under section 54-210 and
42 thereafter the court orders the defendant in the criminal case from
43 which such injury or death resulted to make restitution, any money
44 collected as restitution shall be paid to the fund unless the court directs
45 otherwise. The Office of Victim Services may apply for and receive
46 moneys for the fund from any federal, state or private source.

47 (c) Any administrative costs related to the operation of the Criminal
48 Injuries Compensation Fund, including credits to and payments of

49 compensation therefrom, shall be paid from the fund. Administrative
50 costs of providing direct services, the proportionate share of any fixed
51 costs associated with such services, the costs of providing direct
52 services to victims and witnesses of crimes in accordance with
53 subdivision (6) of subsection (b) of section 54-203, and any services
54 offered by the Office of Victim Services to witnesses and victims of
55 crime may be budgeted for payment from the fund.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	54-211(f)
Sec. 2	<i>October 1, 2009</i>	54-215

Statement of Legislative Commissioners:

In section 1, "or" was inserted for proper form.

JUD *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	CICF - Uncertain	See Below	See Below
Judicial Dept.	CICF - Cost	Minimal	Minimal

Note: CICF=Criminal Injuries Compensation Fund

Municipal Impact: None

Explanation

The bill removes the Criminal Injuries Compensation Fund (CICF) from the appropriations budget.¹ Spending from this fund, which presently has a balance of about \$5 million, would no longer be limited by legislative authorization. Spending could increase as a result of the bill to fulfill existing and/or additional needs. The future balance of the fund would be determined by the extent to which revenues remain sufficient to support spending.²

Removing the Criminal Injuries Compensation Fund as an appropriated fund would no longer subject it to the limitations imposed by the Constitutional spending cap. The fund is currently one of ten funds, of which the General Fund and the Transportation fund are the largest, that comprise all appropriated funds subject to the spending cap. The spending cap limitations are not directly applied to the CICF but rather to the total of all funds. Removing the CICF as an appropriated fund would require a rebasing of the current budget base in calculating future spending cap limitations.

The bill also allows compensation to be awarded to state residents

¹ The Criminal Injuries Compensation Fund provides compensation and services to victims. The fund is supported primarily by court fees and court-ordered donations.

² Annual revenue over the last two fiscal years is approximately \$3.2 million.

for crimes committed abroad. The annual cost of this provision is anticipated to be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6703*****AN ACT CONCERNING VICTIM COMPENSATION.*****SUMMARY:**

This bill makes victims of a crime eligible for crime victim compensation if (1) the crime was committed in another country, (2) the victim was ineligible for crime victim compensation in that country and (3) the victim was a resident of Connecticut at the time of injury or death.

It removes the cap on the amount the Office of Victim Services (OVS) can annually spend from the Criminal Injuries Compensation Fund to compensate crime victims. Under current law, OVS can spend only the amount appropriated by the General Assembly. Under the bill, it can spend the amount necessary to compensate the victims.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Crime Victim Compensation***

OVS or a victim compensation commissioner may compensate crime victims or their immediate families when the victim is deceased, incapacitated, or a minor child, for reasonable and necessary expenses, lost wages, pecuniary losses, and other loss resulting from injury or death. Maximum awards are \$15,000 for personal injuries and \$25,000 for death. Eligible victims must have been injured or killed during (1) their attempts to prevent crime, aid police, or apprehend suspects; (2) attempts to commit, or actual commissions of, crime by another person; (3) international terrorism; or (4) another person's violation of enumerated motor vehicle offenses.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (04/03/2009)